

REMARKS

STATUS OF THE CLAIMS

In accordance with the foregoing, claims 1-30 have been amended.

Claims 1-30 are submitted for consideration herein. No new matter is being presented, and approval of the amended claims is respectfully requested.

REJECTION OF CLAIMS 1-30 UNDER 35 U.S.C. § 102(e)

On pages 2-6 of the Office Action, the Examiner rejected claims 1-30 under 35 U.S.C. § 102(e) as being anticipated by Malaure et al (U.S. Patent Number 6, 446,262; hereinafter "Malaure").

Independent claim 1, as amended, recites "... an interactive server, which is independent from said broadcast server, and which executes an application that provides said interactive service to a broadcasting receiver."

On page 3, lines 2 through 4 of the Action, the Examiner states that retrieving and placing setup data on a broadcast channel by a central computer system ("CCS") in Malaure is interpreted as being equivalent to acquiring and transmitting the data in this claim.

However, the CCS in Malaure transmits the setup data to the user interface. The multiplexer in Malaure, which relays the setup data received from CCS, does not execute the interactive application. The interactive application is executed by a user interface.

Malaure does not disclose or suggest a situation that the interactive server, which executes the application that provides said interactive service to the broadcasting receiver, is provided in addition to the broadcasting server and the broadcasting receiver. Therefore it is respectfully submitted that, as amended, claim 1 is patentably distinguishable over Malaure.

Independent claims 11 and 21 provide similar features to claim 1. Thus, the above argument, which distinguished claim 1 over Malaure, also distinguishes claims 11 and 21 over Malaure. Therefore, it is respectfully submitted that claims 11 and 21 patentably distinguish over the prior art.

Dependent claims 2 and 3, 12 and 13, and 22 and 23 depend from claims 1, 11, and 21 respectively. Therefore, it is respectfully submitted that dependent claims 2, 3, 12, 13, 22, and 23 patentably distinguish over the prior art.

Furthermore, the dependent claims recite further patentable subject matter. By example, dependent claim 3, as amended, recites, "... extracting second information specifying said

interactive service from content information of said data broadcasting.”

On page 3, lines 18 and 19 of the Action, the Examiner states that comparing scores of different players in Malaure is interpreted as being equivalent to comparing the extracted data to the interactive service data in this claim. However, the scores of players are completely different from the extracted data or the interactive service data that users enter the scores after the interactive application is executed.

Malaure does not disclose or suggest comparing the second extracted information with information specifying said interactive service extracted from the interactive service organization information.

Therefore, it is respectfully submitted that, as amended, dependent claim 3 is patentably distinguishable over Malaure.

Dependent claims 13 and 23 provide similar features to claim 3. Thus, the above argument, which distinguished claim 3 over Malaure, also distinguishes claims 13 and 23 over Malaure. Therefore, it is respectfully submitted that dependent claims 13 and 23 are patentably distinguishable over the prior art.

Dependent claims 4 and 5, 14 and 15, and 24 and 25 are dependent upon claim 1, 11, and 21 respectively. Therefore, it is respectfully submitted that dependent claims 4, 5, 14, 15, 24, and 25 patentably distinguish over the prior art.

Furthermore, depended claim 5, as amended recites, “. . . information specifying said service time of each said interactive service.”

On page 4, lines 12 and 13 of the Action, the Examiner states that authorizing a customer for a pay service in Malaure is interpreted as being equivalent to activating or deactivating a service as recited in claim 5.

However, whether each interactive service must be activated, as recited in this claim is determined based on “*information specifying the service time of each interactive service*,” not based on *the result of the authorization* as disclosed by Malaure.

Therefore it is respectfully submitted that amended claim 5 is patentably distinguishable over Malaure.

Claims 15 and 25 provide similar features to claim 5. Thus, the above argument, which distinguished claim 5 over Malaure, also distinguishes claims 15 and 25 over Malaure.

Therefore, it is respectfully submitted that claims 15 and 25 are patentably distinguishable over the prior art.

Dependent claims 6, 16, and 26 are dependent upon claim 1, 11, and 21 respectively. For the reasons stated with respect to claim 1, 11, and 21, these claims are patentably distinguishable over the prior art.

Furthermore, claim 6, as amended, recites “ . . . if information indicating an operating state of said interactive service is received from said interactive server, deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting.”

As described in page 16, lines 16-23 of the specification, information indicating an operating state of said interactive service is based on whether the service is actually active, not only whether the program flag is ON.

On the other hand, Malaure just disclose the status flag. There is no description or suggestion in Malaure for information indicating an operating state of said interactive service in this claim, or for deleting or invalidating designation of an inactive interactive service in content information of said data broadcasting.

Therefore, it is respectfully submitted that amended claim 6 is patentably distinguishable over Malaure.

Claims 16 and 26 provide similar features to claim 6. Thus, the above argument, which distinguished claim 6 over Malaure, also distinguishes claims 16 and 26 over Malaure. Therefore, it is respectfully submitted that claims 16 and 26 patentably distinguish over the prior art.

Independent claim 7, as amended, recites “ . . . wherein said broadcasting server is managed independently from said interactive server . . . extracting a set of information specifying interactive service have a relation to said interactive server.”

As discussed for claim 1, Malaure does not disclose or suggest the interactive server, which is managed independently from the broadcasting server, and which executes an interactive application.

Moreover, the method of claim 7 includes extracting a set of information specifying interactive service “*having a relation to said interactive server.*” The extracting is necessary in case that the broadcasting server transmits broadcasting data to a plurality of the interactive server, as described in page 6, lines 10-13 of the specification. In this case, the broadcasting data also includes data that has no relation to the interactive server, and the interactive server

must extract data having relation to the interactive server from the received broadcasting data.

Malaure does not disclose or suggest a situation that the interactive server, which executes the application that provides said interactive service to the broadcasting receiver, is provided in addition to the broadcasting server, which may correspond to the CCS, and the broadcasting receiver, which may correspond to the user interface. Therefore, it is respectfully submitted that, as amended, claim 7 is patentably distinguishable over Malaure.

Claims 17 and 27 provide similar features to independent claim 7. Thus, the above argument, which distinguished claim 7 from Malaure, also distinguishes claims 17 and 27 from Malaure. Therefore, claims 17 and 27 are patentably distinguishable over the prior art.

Dependent claims 8, 9, and 10; 18, 19, and 20; and 28, 29, and 30 are dependent upon claim 7, 17, and 27 respectively. For the reasons stated with respect to independent claims 7, 17, and 27, these dependent claims are patentably distinguishable over the prior art.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Further, all pending claims patentably distinguish over the prior art. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date:

January 27, 2006

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